2682

February 25, 2004

Assistant Commissioner of Patents

Washington, DC 20231

09/824,134

PROTEST UNDER 37 CFR 1.291(a)

Re: Delivery of location significant advertising

US File: **20030003929** Filed: 3/29/2001

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20030003929**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon an advertising database maintained at a wireless client terminal in a client-server ad delivery system. The appropriate ads are selected through profiling techniques at the server level then a database is created and downloaded (syncing) via the internet or Bluetooth or otherwise to a wireless "Mobile Phone" or other mobile terminal that delivers advertising based upon location/time or in reaction to an executable program or other voluntary user actions. (0004)

Relevant Claims are: 7, 8, 15 and others. The abstract in part reads, "A system for implementing a method for communicating an advertisement is disclosed. The system comprises a primary call center, a mobile station, a base station, and an advertiser call center. When the mobile station is registered with the base station, the primary call center controls a transmission of one or more advertisements to the mobile station in accordance with a schedule preferred by the mobile station user with each advertisement matching a profile of the mobile station user. The mobile station user can either store the advertisement for future reference or respond to the advertisement."

Consistently, the inventor describes the invention in internet terms ... because it is simply an extension of the internet relating to advertising delivery. Moving from Point A to Point B as well as the time frame you move from A to B are purely voluntary user events similar to surfing the internet and going to web sites at will. In a GPS or other location based system, advertising is delivered (pushed) (0063) and displayed based upon these voluntary user actions in one form or another, albeit audible or a monitor screen or other messages, when

made by comparison to the dynamic longitude and latitude coordinates to an advertising database containing geographical and/or time frame coordinates and maintained dynamically at the client level mobile terminal and the location of advertisers. (0063) The ads are then delivered to the user consequential to his or her actions. Descriptions of these actions and functions are described in (0004) (0033) (0049) (0055) and others.

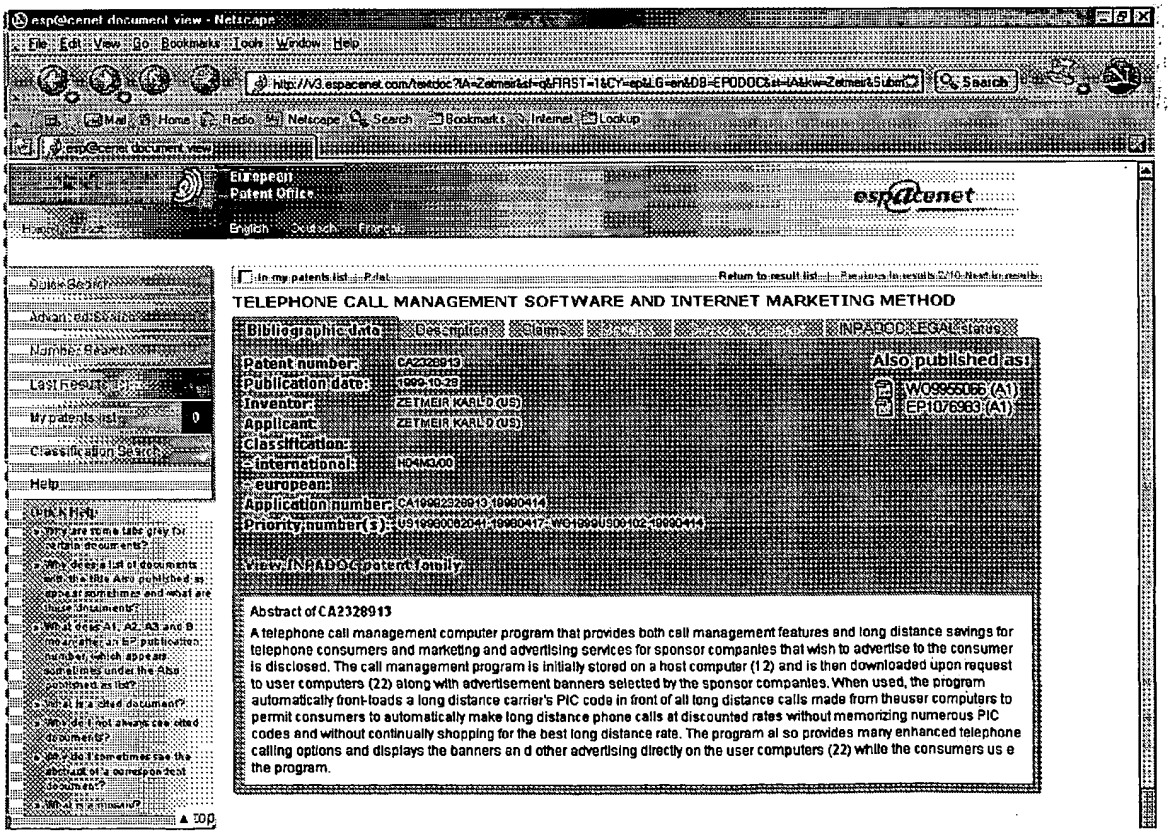
This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

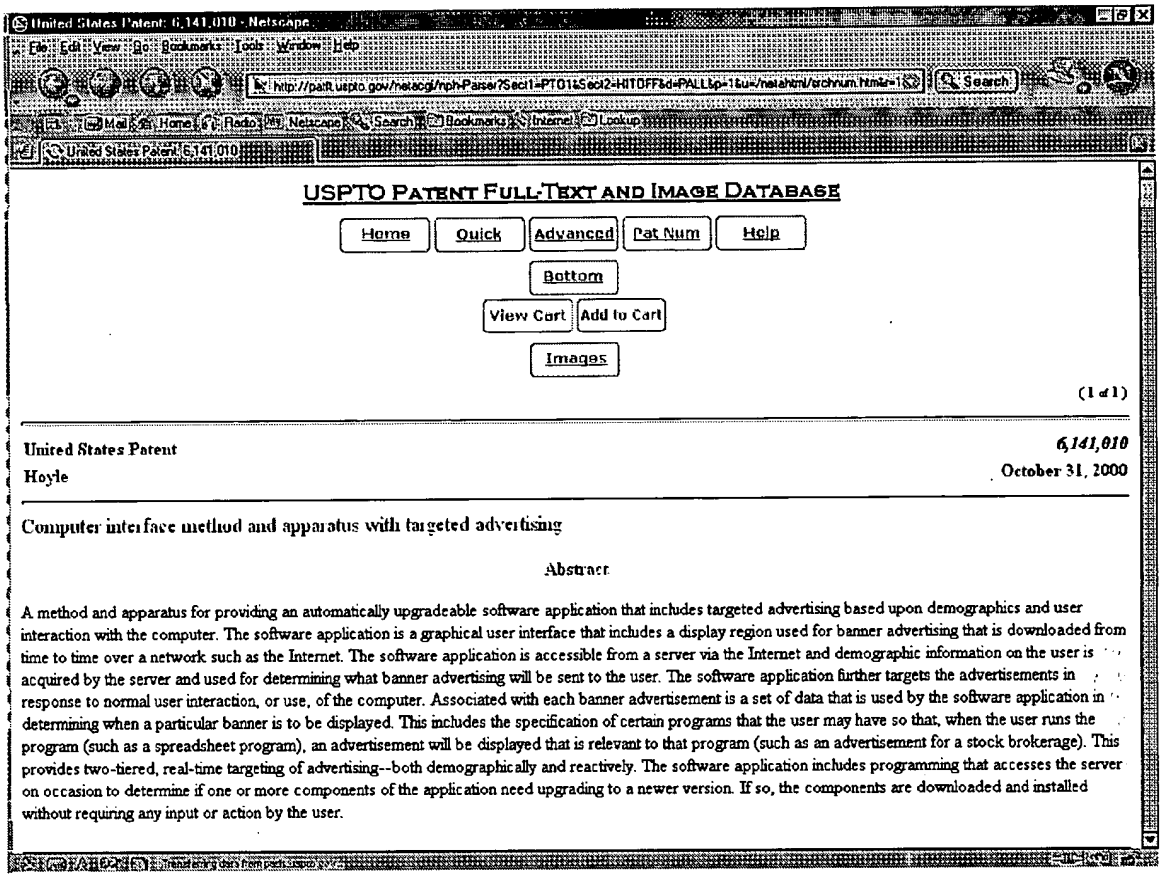
I am objecting to this patent application, as it is neither novel nor unique. It is of particular note that little prior art was submitted with this filing and only some vague references to server and user supplied profiling systems. The filers are correct that a targeted system based on URLs or keywords or voluntary user actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 3/29/2001 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.




United States Patent: 6,141,010 - Netscape
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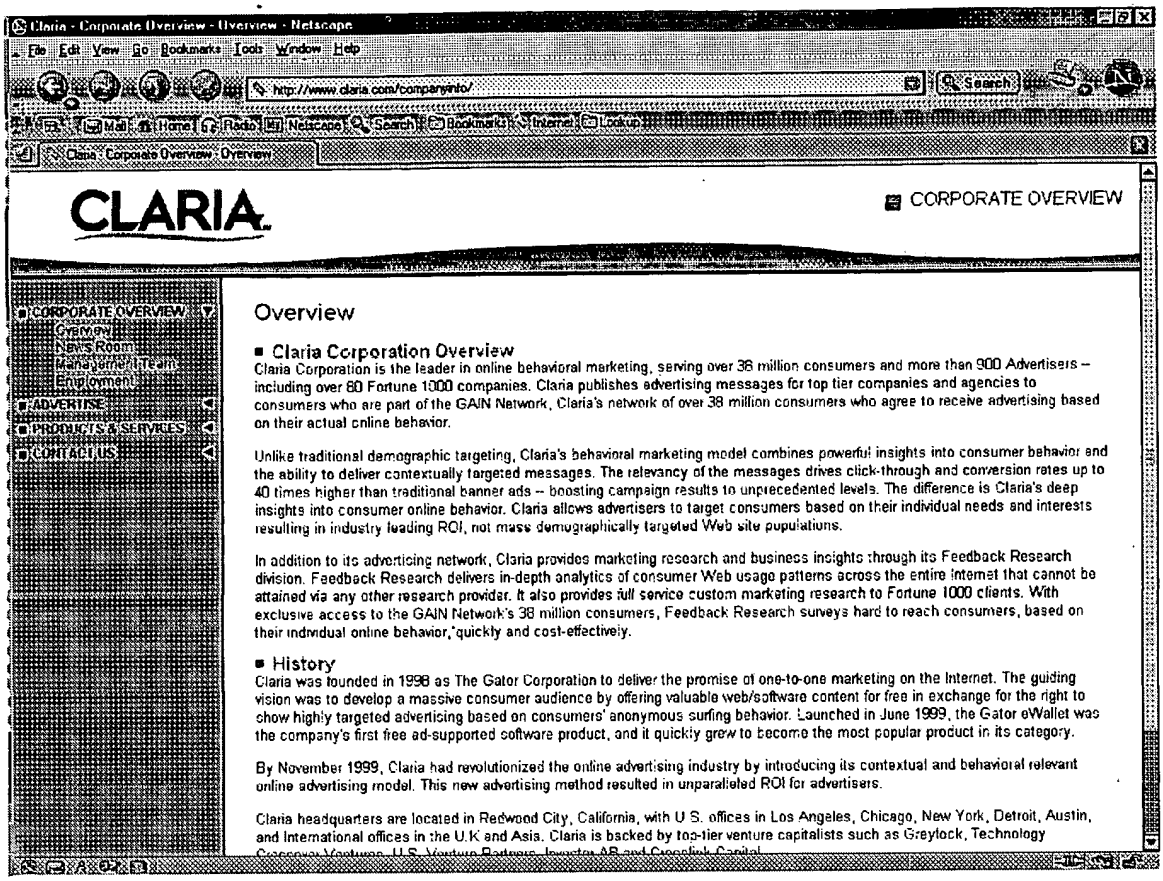
Search
Mail Home Radio Netscape Search Bookmarks Internet Lookup
United States Patent 6,141,010
USPTO PATENT FULL-TEXT AND IMAGE DATABASE
Home Quick Advanced Pat Num Help
Bottom
View Cart Add to Cart
Images
(1 of 1)
United States Patent
Hoyle
6,141,010
October 31, 2000
Computer interface method and apparatus with targeted advertising
Abstract
A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising--both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.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News Room
Management Team
Employment
ADVERTISE
PRODUCTS & SERVICES
CONTACT US
Overview
Claria Corporation Overview
Claria Corporation is the leader in online behavioral marketing, serving over 36 million consumers and more than 900 Advertisers – including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network, Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.
Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads -- boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.
In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.
History
Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.
By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.
Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology